

# HOUSE BILL 976

M3, N1

EMERGENCY BILL

01r0144

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By: **Chair, Environmental Matters Committee (By Request – Departmental – Environment)**

Introduced and read first time: February 12, 2010

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Reduction of Lead Risk in Housing**

3 FOR the purpose of repealing certain provisions of law relating to certain qualified  
4 offers in connection with the liability of an owner of certain rental property;  
5 repealing a provision of law relating to a certain window replacement program;  
6 repealing certain obsolete provisions of law relating to the reduction of lead risk  
7 in housing; altering certain definitions; repealing certain definitions; making  
8 this Act subject to a certain contingency; making this Act an emergency  
9 measure; and generally relating to the reduction of lead risk in housing.

10 BY repealing

11 Article – Environment

12 Section 6–801 through 6–852 and the subtitle “Subtitle 8. Reduction of Lead  
13 Risk in Housing”

14 Annotated Code of Maryland

15 (2007 Replacement Volume and 2009 Supplement)

16 BY adding to

17 Article – Environment

18 Section 6–801 through 6–804, 6–807 through 6–809, 6–811 through 6–813,  
19 6–815 through 6–825, 6–843 through 6–848.2, and 6–849 through 6–853  
20 to be under the new subtitle “Subtitle 8. Reduction of Lead Risk in  
21 Housing”

22 Annotated Code of Maryland

23 (2007 Replacement Volume and 2009 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
25 MARYLAND, That Section(s) 6–801 through 6–852 and the subtitle “Subtitle 8.  
26 Reduction of Lead Risk in Housing” of Article – Environment of the Annotated Code of  
27 Maryland be repealed.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
2 read as follows:

3 **Article – Environment**

4 **SUBTITLE 8. REDUCTION OF LEAD RISK IN HOUSING.**

5 **PART I. DEFINITIONS; GENERAL PROVISIONS.**

6 **6–801.**

7 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
8 INDICATED.

9 (B) (1) “AFFECTED PROPERTY” MEANS A PROPERTY CONSTRUCTED  
10 BEFORE 1950 THAT CONTAINS AT LEAST ONE RENTAL DWELLING UNIT.

11 (2) “AFFECTED PROPERTY” INCLUDES AN INDIVIDUAL RENTAL  
12 DWELLING UNIT WITHIN A MULTIFAMILY RENTAL DWELLING.

13 (3) “AFFECTED PROPERTY” DOES NOT INCLUDE PROPERTY  
14 EXEMPTED UNDER § 6–803(B) OF THIS SUBTITLE.

15 (C) “CHANGE IN OCCUPANCY” MEANS A CHANGE OF TENANT IN AN  
16 AFFECTED PROPERTY IN WHICH THE PROPERTY IS VACATED AND POSSESSION  
17 IS EITHER SURRENDERED TO THE OWNER OR ABANDONED.

18 (D) “CHILD” MEANS AN INDIVIDUAL UNDER THE AGE OF 6 YEARS.

19 (E) “COMMISSION” MEANS THE LEAD POISONING PREVENTION  
20 COMMISSION.

21 (F) (1) “ELEVATED BLOOD LEAD” OR “EBL” MEANS A QUANTITY OF  
22 LEAD IN BLOOD, EXPRESSED IN MICROGRAMS PER DECILITER (UG/DL), THAT  
23 EXCEEDS THE THRESHOLD LEVEL SPECIFIED IN THIS SUBTITLE AND IS  
24 DETERMINED IN ACCORDANCE WITH THE FOLLOWING PROTOCOLS:

25 (I) A VENOUS BLOOD TEST; OR

26 (II) TWO CAPILLARY BLOOD TESTS TAKEN IN ACCORDANCE  
27 WITH PARAGRAPH (2) OF THIS SUBSECTION.

1           **(2) IF THE CAPILLARY BLOOD TEST METHOD IS USED, AN**  
2 **INDIVIDUAL SHALL:**

3                   **(I) HAVE A FIRST SAMPLE OF CAPILLARY BLOOD DRAWN**  
4 **AND TESTED; AND**

5                   **(II) HAVE A SECOND SAMPLE OF CAPILLARY BLOOD DRAWN**  
6 **AND TESTED WITHIN 84 DAYS AFTER THE FIRST SAMPLE IS DRAWN.**

7           **(3) IF THE RESULT OF ONE CAPILLARY BLOOD TEST WOULD**  
8 **REQUIRE ACTION UNDER THIS SUBTITLE AND THE OTHER RESULT WOULD NOT,**  
9 **AN INDIVIDUAL'S ELEVATED BLOOD LEAD LEVEL SHALL BE CONFIRMED BY A**  
10 **VENOUS BLOOD TEST.**

11           **(G) "EXTERIOR SURFACES" MEANS:**

12                   **(1) ALL FENCES AND PORCHES THAT ARE PART OF AN AFFECTED**  
13 **PROPERTY;**

14                   **(2) ALL OUTSIDE SURFACES OF AN AFFECTED PROPERTY THAT**  
15 **ARE ACCESSIBLE TO A CHILD AND THAT ARE:**

16                           **(I) ATTACHED TO THE OUTSIDE OF AN AFFECTED**  
17 **PROPERTY; OR**

18                           **(II) OTHER BUILDINGS AND STRUCTURES, INCLUDING PLAY**  
19 **EQUIPMENT, BENCHES, AND LAUNDRY LINE POLES, THAT ARE PART OF THE**  
20 **AFFECTED PROPERTY, EXCEPT BUILDINGS OR STRUCTURES THAT ARE NOT**  
21 **OWNED OR CONTROLLED BY THE OWNER OF THE AFFECTED PROPERTY; AND**

22                   **(3) ALL PAINTED SURFACES IN STAIRWAYS, HALLWAYS,**  
23 **ENTRANCE AREAS, RECREATION AREAS, LAUNDRY AREAS, AND GARAGES**  
24 **WITHIN A MULTIFAMILY RENTAL DWELLING UNIT THAT ARE COMMON TO**  
25 **INDIVIDUAL DWELLING UNITS AND ARE ACCESSIBLE TO A CHILD.**

26           **(H) "FUND" MEANS THE LEAD POISONING PREVENTION FUND.**

27                   **(I) (1) "HIGH EFFICIENCY PARTICLE AIR VACUUM" OR**  
28 **"HEPA-VACUUM" MEANS A DEVICE CAPABLE OF FILTERING OUT PARTICLES OF**  
29 **0.3 MICRONS OR GREATER FROM A BODY OF AIR AT AN EFFICIENCY OF 99.97%**  
30 **OR GREATER.**

31                   **(2) "HEPA-VACUUM" INCLUDES USE OF A HEPA-VACUUM.**

1           **(J) “LEAD-BASED PAINT” MEANS PAINT OR OTHER SURFACE COATINGS**  
2 **THAT CONTAIN LEAD IN EXCESS OF THE MAXIMUM LEAD CONTENT LEVEL**  
3 **ALLOWED BY THE DEPARTMENT BY REGULATION.**

4           **(K) “LEAD-CONTAMINATED DUST” MEANS DUST IN AFFECTED**  
5 **PROPERTIES THAT CONTAINS AN AREA OR MASS CONCENTRATION OF LEAD IN**  
6 **EXCESS OF THE LEAD CONTENT LEVEL DETERMINED BY THE DEPARTMENT BY**  
7 **REGULATION.**

8           **(L) “LEAD-FREE” MEANS AT OR BELOW A LEAD CONTENT LEVEL**  
9 **DEEMED TO BE LEAD-FREE IN ACCORDANCE WITH CRITERIA ESTABLISHED BY**  
10 **THE DEPARTMENT BY REGULATION.**

11           **(M) “MULTIFAMILY RENTAL DWELLING” MEANS A PROPERTY THAT**  
12 **CONTAINS MORE THAN ONE RENTAL DWELLING UNIT.**

13           **(N) (1) “OWNER” MEANS A PERSON, FIRM, CORPORATION, GUARDIAN,**  
14 **CONSERVATOR, RECEIVER, TRUSTEE, EXECUTOR, OR LEGAL REPRESENTATIVE**  
15 **WHO, ALONE OR JOINTLY OR SEVERALLY WITH OTHERS, OWNS, HOLDS, OR**  
16 **CONTROLS THE WHOLE OR ANY PART OF THE FREEHOLD OR LEASEHOLD**  
17 **INTEREST TO ANY PROPERTY, WITH OR WITHOUT ACTUAL POSSESSION.**

18                   **(2) “OWNER” INCLUDES:**

19                           **(I) ANY VENDEE IN POSSESSION OF THE PROPERTY; AND**

20                           **(II) ANY AUTHORIZED AGENT OF THE OWNER, INCLUDING A**  
21 **PROPERTY MANAGER OR LEASING AGENT.**

22                   **(3) “OWNER” DOES NOT INCLUDE:**

23                           **(I) A TRUSTEE OR A BENEFICIARY UNDER A DEED OF**  
24 **TRUST OR A MORTGAGEE; OR**

25                           **(II) THE OWNER OF A REVERSIONARY INTEREST UNDER A**  
26 **GROUND RENT LEASE.**

27           **(O) “PERSON AT RISK” MEANS A CHILD OR A PREGNANT WOMAN WHO**  
28 **RESIDES OR REGULARLY SPENDS AT LEAST 24 HOURS PER WEEK IN AN**  
29 **AFFECTED PROPERTY.**

30           **(P) “RELATED PARTY” MEANS ANY:**

31                   **(1) PERSON RELATED TO AN OWNER BY BLOOD OR MARRIAGE;**

1           (2)   EMPLOYEE OF THE OWNER; OR

2           (3)   ENTITY IN WHICH AN OWNER, OR ANY PERSON REFERRED TO  
3 IN ITEM (1) OR (2) OF THIS SUBSECTION, HAS AN INTEREST.

4           (Q)   (1)   “RENTAL DWELLING UNIT” MEANS A ROOM OR GROUP OF  
5 ROOMS THAT FORM A SINGLE INDEPENDENT HABITABLE RENTAL UNIT FOR  
6 PERMANENT OCCUPATION BY ONE OR MORE INDIVIDUALS AND HAS LIVING  
7 FACILITIES WITH PERMANENT PROVISIONS FOR LIVING, SLEEPING, EATING,  
8 COOKING, AND SANITATION.

9           (2)   “RENTAL DWELLING UNIT” DOES NOT INCLUDE:

10                   (I)   AN AREA NOT USED FOR LIVING, SLEEPING, EATING,  
11 COOKING, OR SANITATION, SUCH AS AN UNFINISHED BASEMENT;

12                   (II)   A UNIT WITHIN A HOTEL, MOTEL, OR SIMILAR SEASONAL  
13 OR TRANSIENT FACILITY;

14                   (III)   AN AREA THAT IS SECURED AND INACCESSIBLE TO  
15 OCCUPANTS; OR

16                   (IV)   A UNIT THAT IS NOT OFFERED FOR RENT.

17           (R)   “RISK REDUCTION STANDARD” MEANS A RISK REDUCTION  
18 STANDARD ESTABLISHED UNDER § 6-815 OR § 6-819 OF THIS SUBTITLE.

19   **6-802.**

20           THE PURPOSE OF THIS SUBTITLE IS TO REDUCE THE INCIDENCE OF  
21 CHILDHOOD LEAD POISONING, WHILE MAINTAINING THE STOCK OF AVAILABLE  
22 AFFORDABLE RENTAL HOUSING.

23   **6-803.**

24           (A)   THIS SUBTITLE APPLIES TO AFFECTED PROPERTY.

25           (B)   THIS SUBTITLE DOES NOT APPLY TO:

26                   (1)   PROPERTY NOT EXPRESSLY COVERED IN SUBSECTION (A) OF  
27 THIS SECTION;

1           **(2) AFFECTED PROPERTY OWNED OR OPERATED BY A UNIT OF**  
2 **FEDERAL, STATE, OR LOCAL GOVERNMENT, OR ANY PUBLIC, QUASI-PUBLIC, OR**  
3 **MUNICIPAL CORPORATION, IF THE AFFECTED PROPERTY IS SUBJECT TO LEAD**  
4 **STANDARDS THAT ARE EQUAL TO, OR MORE STRINGENT THAN, THE RISK**  
5 **REDUCTION STANDARD ESTABLISHED UNDER § 6-815 OF THIS SUBTITLE; OR**

6           **(3) AFFECTED PROPERTY THAT IS CERTIFIED TO BE LEAD-FREE**  
7 **PURSUANT TO § 6-804 OF THIS SUBTITLE.**

8 **6-804.**

9           **(A) AFFECTED PROPERTY IS EXEMPT FROM THE PROVISIONS OF PART**  
10 **IV OF THIS SUBTITLE IF THE OWNER SUBMITS TO THE DEPARTMENT AN**  
11 **INSPECTION REPORT THAT:**

12           **(1) INDICATES THAT THE AFFECTED PROPERTY HAS BEEN**  
13 **TESTED FOR THE PRESENCE OF LEAD-BASED PAINT IN ACCORDANCE WITH**  
14 **STANDARDS AND PROCEDURES ESTABLISHED BY THE DEPARTMENT BY**  
15 **REGULATION;**

16           **(2) STATES THAT:**

17           **(I) ALL INTERIOR AND EXTERIOR SURFACES OF THE**  
18 **AFFECTED PROPERTY ARE LEAD-FREE; OR**

19           **(II) 1. ALL INTERIOR SURFACES OF THE AFFECTED**  
20 **PROPERTY ARE LEAD-FREE AND ALL EXTERIOR PAINTED SURFACES OF THE**  
21 **AFFECTED PROPERTY THAT WERE CHIPPING, PEELING, OR FLAKING HAVE BEEN**  
22 **RESTORED WITH NONLEAD-BASED PAINT; AND**

23           **2. NO EXTERIOR PAINTED SURFACES OF THE**  
24 **AFFECTED PROPERTY ARE CHIPPING, PEELING, OR FLAKING; AND**

25           **(3) IS VERIFIED BY THE DEPARTMENT ACCREDITED INSPECTOR**  
26 **WHO PERFORMED THE TEST.**

27           **(B) IN ORDER TO MAINTAIN EXEMPTION FROM THE PROVISIONS OF**  
28 **PART IV OF THIS SUBTITLE UNDER SUBSECTION (A)(2)(II) OF THIS SECTION,**  
29 **THE OWNER SHALL SUBMIT TO THE DEPARTMENT EVERY 2 YEARS A**  
30 **CERTIFICATION, BY A DEPARTMENT ACCREDITED INSPECTOR, STATING THAT**  
31 **NO EXTERIOR PAINTED SURFACE OF THE AFFECTED PROPERTY IS CHIPPING,**  
32 **PEELING, OR FLAKING.**

1 (C) OUTSIDE SURFACES OF AN AFFECTED PROPERTY, INCLUDING  
2 WINDOWS, DOORS, TRIM, FENCES, PORCHES, AND OTHER BUILDINGS OR  
3 STRUCTURES THAT ARE PART OF THE AFFECTED PROPERTY, ARE EXEMPT FROM  
4 THE RISK REDUCTION STANDARDS UNDER §§ 6-815 AND 6-819 OF THIS  
5 SUBTITLE IF ALL EXTERIOR SURFACES OF AN AFFECTED PROPERTY ARE  
6 LEAD-FREE AND THE OWNER SUBMITS TO THE DEPARTMENT AN INSPECTION  
7 REPORT THAT:

8 (1) INDICATES THAT THE OUTSIDE SURFACES HAVE BEEN TESTED  
9 FOR THE PRESENCE OF LEAD-BASED PAINT IN ACCORDANCE WITH STANDARDS  
10 AND PROCEDURES ESTABLISHED BY THE DEPARTMENT BY REGULATION;

11 (2) STATES THAT ALL OUTSIDE SURFACES OF THE AFFECTED  
12 PROPERTY ARE LEAD-FREE; AND

13 (3) IS VERIFIED BY THE DEPARTMENT ACCREDITED INSPECTOR  
14 WHO PERFORMED THE TEST.

15 6-805. RESERVED.

16 6-806. RESERVED.

17 PART II. LEAD POISONING PREVENTION COMMISSION.

18 6-807.

19 (A) THERE IS A LEAD POISONING PREVENTION COMMISSION IN THE  
20 DEPARTMENT.

21 (B) (1) THE COMMISSION CONSISTS OF 19 MEMBERS.

22 (2) OF THE 19 MEMBERS:

23 (I) ONE SHALL BE A MEMBER OF THE SENATE OF  
24 MARYLAND, APPOINTED BY THE PRESIDENT OF THE SENATE;

25 (II) ONE SHALL BE A MEMBER OF THE MARYLAND HOUSE  
26 OF DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE; AND

27 (III) 17 SHALL BE APPOINTED BY THE GOVERNOR AS  
28 FOLLOWS:

29 1. THE SECRETARY, OR THE SECRETARY'S  
30 DESIGNEE;

- 1                   **2. THE SECRETARY OF HEALTH AND MENTAL**  
2 **HYGIENE, OR THE SECRETARY'S DESIGNEE;**
- 3                   **3. THE SECRETARY OF HOUSING AND COMMUNITY**  
4 **DEVELOPMENT, OR THE SECRETARY'S DESIGNEE;**
- 5                   **4. THE MARYLAND INSURANCE COMMISSIONER, OR**  
6 **THE COMMISSIONER'S DESIGNEE;**
- 7                   **5. THE DIRECTOR OF THE EARLY CHILDHOOD**  
8 **DEVELOPMENT DIVISION, STATE DEPARTMENT OF EDUCATION, OR THE**  
9 **DIRECTOR'S DESIGNEE;**
- 10                  **6. A REPRESENTATIVE OF LOCAL GOVERNMENT;**
- 11                  **7. A REPRESENTATIVE FROM AN INSURER THAT**  
12 **OFFERS PREMISES LIABILITY COVERAGE IN THE STATE;**
- 13                  **8. A REPRESENTATIVE OF A FINANCIAL**  
14 **INSTITUTION THAT MAKES LOANS SECURED BY RENTAL PROPERTY;**
- 15                  **9. A REPRESENTATIVE OF OWNERS OF RENTAL**  
16 **PROPERTY LOCATED IN BALTIMORE CITY BUILT BEFORE 1950;**
- 17                  **10. A REPRESENTATIVE OF OWNERS OF RENTAL**  
18 **PROPERTY LOCATED OUTSIDE BALTIMORE CITY BUILT BEFORE 1950;**
- 19                  **11. A REPRESENTATIVE OF OWNERS OF RENTAL**  
20 **PROPERTY BUILT AFTER 1949;**
- 21                  **12. A REPRESENTATIVE OF A CHILD HEALTH OR**  
22 **YOUTH ADVOCACY GROUP;**
- 23                  **13. A HEALTH CARE PROVIDER;**
- 24                  **14. A CHILD ADVOCATE;**
- 25                  **15. A PARENT OF A LEAD POISONED CHILD;**
- 26                  **16. A LEAD HAZARD IDENTIFICATION PROFESSIONAL;**  
27 **AND**
- 28                  **17. A REPRESENTATIVE OF CHILD CARE PROVIDERS.**



1           **(3) IN APPOINTING MEMBERS TO THE COMMISSION, THE**  
2 **GOVERNOR SHALL GIVE DUE CONSIDERATION TO APPOINTING MEMBERS**  
3 **REPRESENTING GEOGRAPHICALLY DIVERSE JURISDICTIONS ACROSS THE**  
4 **STATE.**

5           **(C) (1) (I) THE TERM OF A MEMBER APPOINTED BY THE**  
6 **GOVERNOR IS 4 YEARS.**

7                           **(II) A MEMBER APPOINTED BY THE PRESIDENT OF THE**  
8 **SENATE OR SPEAKER OF THE HOUSE OF DELEGATES SERVES AT THE PLEASURE**  
9 **OF THE APPOINTING OFFICER.**

10           **(2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY**  
11 **THE TERMS PROVIDED FOR THE MEMBERS OF THE COMMISSION ON OCTOBER 1,**  
12 **1994.**

13           **(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE**  
14 **UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

15           **(4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN**  
16 **SERVES ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS**  
17 **APPOINTED AND QUALIFIES.**

18 **6-808.**

19           **(A) THE COMMISSION SHALL MEET AT LEAST QUARTERLY AT THE**  
20 **TIMES AND PLACES IT DETERMINES.**

21           **(B) FROM AMONG THE MEMBERS, THE GOVERNOR SHALL APPOINT THE**  
22 **CHAIR OF THE COMMISSION.**

23           **(C) (1) A MAJORITY OF THE MEMBERS THEN SERVING ON THE**  
24 **COMMISSION CONSTITUTES A QUORUM.**

25                           **(2) THE COMMISSION MAY ACT UPON A MAJORITY VOTE OF THE**  
26 **QUORUM.**

27           **(D) A MEMBER OF THE COMMISSION:**

28                           **(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE**  
29 **COMMISSION; BUT**

1           **(2) IS ENTITLED TO REIMBURSEMENT FROM THE FUND FOR**  
2 **REASONABLE TRAVEL EXPENSES RELATED TO ATTENDING MEETINGS AND**  
3 **OTHER COMMISSION EVENTS IN ACCORDANCE WITH THE STANDARD STATE**  
4 **TRAVEL REGULATIONS.**

5 **6–809.**

6           **(A) THE COMMISSION SHALL STUDY AND COLLECT INFORMATION ON**  
7 **THE:**

8           **(1) EFFECTIVENESS OF THIS SUBTITLE IN:**

9                   **(I) PROTECTING CHILDREN FROM LEAD POISONING; AND**

10                   **(II) LESSENING RISKS TO RESPONSIBLE OWNERS;**

11           **(2) EFFECTIVENESS OF THE TREATMENTS SPECIFIED IN §§ 6–815**  
12 **AND 6–819 OF THIS SUBTITLE, INCLUDING RECOMMENDATIONS FOR CHANGES**  
13 **TO THOSE TREATMENTS;**

14           **(3) AVAILABILITY OF THIRD–PARTY BODILY INJURY LIABILITY**  
15 **INSURANCE AND PREMISES LIABILITY INSURANCE FOR AFFECTED PROPERTY,**  
16 **INCLUDING WAIVERS OF LEAD HAZARD EXCLUSION;**

17           **(4) ABILITY OF STATE AND LOCAL OFFICIALS TO RESPOND TO**  
18 **LEAD POISONING CASES;**

19           **(5) AVAILABILITY OF AFFORDABLE HOUSING;**

20           **(6) ADEQUACY OF THE QUALIFIED OFFER CAPS; AND**

21           **(7) NEED TO EXPAND THE SCOPE OF THIS SUBTITLE TO OTHER**  
22 **PROPERTY SERVING PERSONS AT RISK, INCLUDING CHILD CARE CENTERS,**  
23 **FAMILY DAY CARE HOMES, AND PRESCHOOL FACILITIES.**

24           **(B) THE COMMISSION MAY APPOINT A SUBCOMMITTEE OR**  
25 **SUBCOMMITTEES TO STUDY THE FOLLOWING SUBJECTS RELATING TO LEAD AND**  
26 **LEAD POISONING:**

27           **(1) MEDICAL REFERRAL;**

28           **(2) REGULATION AND COMPLIANCE;**

29           **(3) WORKER EDUCATION;**

- 1           (4)    **SOCIAL SERVICES;**
- 2           (5)    **EDUCATIONAL SERVICES;**
- 3           (6)    **LEGAL ASPECTS;**
- 4           (7)    **EMPLOYER SERVICES;**
- 5           (8)    **ABATEMENT OF LEAD SOURCES;**
- 6           (9)    **FINANCIAL SUBSIDIES AND OTHER ENCOURAGEMENT AND**  
7 **SUPPORT FOR THE ABATEMENT OF THE CAUSES OF LEAD POISONING;**
- 8           (10) **LABORATORY SERVICES; AND**
- 9           (11) **OTHER SUBJECTS THAT THE COMMISSION CONSIDERS**  
10 **NECESSARY.**

11           **(C) THE COMMISSION SHALL REVIEW THE IMPLEMENTATION AND**  
12 **OPERATION OF THIS SUBTITLE AND, ON OR BEFORE JANUARY 1 OF EACH YEAR,**  
13 **SUBMIT A REPORT TO THE GOVERNOR AND, SUBJECT TO THE PROVISIONS OF §**  
14 **2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON**  
15 **THE RESULTS OF THE REVIEW AND THE COMMISSION'S RECOMMENDATIONS**  
16 **CONCERNING THIS SUBTITLE, OTHER LEAD POISONING ISSUES, AND THE NEED**  
17 **FOR FURTHER ACTION THAT THE COMMISSION DETERMINES TO BE NECESSARY.**

18           **(D) THE DEPARTMENT SHALL CONSULT WITH THE COMMISSION ON**  
19 **ESTABLISHING THE OPTIONAL LEAD-CONTAMINATED DUST TESTING**  
20 **STANDARDS UNDER § 6-816 OF THIS SUBTITLE AND IN DEVELOPING**  
21 **REGULATIONS TO IMPLEMENT THIS SUBTITLE.**

22 **6-810. RESERVED.**

23           **PART III. REGISTRATION OF AFFECTED PROPERTY.**

24 **6-811.**

25           **(A) THE OWNER OF AN AFFECTED PROPERTY SHALL REGISTER THE**  
26 **AFFECTED PROPERTY WITH THE DEPARTMENT.**

27           **(B) THE OWNER SHALL REGISTER EACH AFFECTED PROPERTY USING**  
28 **FORMS PREPARED BY THE DEPARTMENT, INCLUDING THE FOLLOWING**  
29 **INFORMATION:**

- 1           **(1) THE NAME AND ADDRESS OF THE OWNER;**
- 2           **(2) THE ADDRESS OF THE AFFECTED PROPERTY;**
- 3           **(3) IF APPLICABLE, THE NAME AND ADDRESS OF EACH PROPERTY**  
4 **MANAGER EMPLOYED BY THE OWNER TO MANAGE THE AFFECTED PROPERTY;**
- 5           **(4) THE NAME AND ADDRESS OF EACH INSURANCE COMPANY**  
6 **PROVIDING PROPERTY INSURANCE OR LEAD HAZARD COVERAGE FOR THE**  
7 **AFFECTED PROPERTY, TOGETHER WITH THE POLICY NUMBERS OF THAT**  
8 **INSURANCE OR COVERAGE;**
- 9           **(5) THE NAME AND ADDRESS OF A RESIDENT AGENT, OTHER**  
10 **AGENT OF THE OWNER, OR CONTACT PERSON IN THE STATE WITH RESPECT TO**  
11 **THE AFFECTED PROPERTY;**
- 12           **(6) WHETHER THE AFFECTED PROPERTY WAS BUILT BEFORE**  
13 **1950;**
- 14           **(7) THE DATE OF THE LATEST CHANGE IN OCCUPANCY OF THE**  
15 **AFFECTED PROPERTY;**
- 16           **(8) THE DATES AND NATURE OF TREATMENTS PERFORMED TO**  
17 **ATTAIN OR MAINTAIN A RISK REDUCTION STANDARD UNDER § 6-815 OR § 6-819**  
18 **OF THIS SUBTITLE; AND**
- 19           **(9) THE LATEST DATE, IF ANY, ON WHICH THE AFFECTED**  
20 **PROPERTY HAS BEEN CERTIFIED TO BE IN COMPLIANCE WITH THE PROVISIONS**  
21 **OF § 6-815 OF THIS SUBTITLE.**
- 22           **(c) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPH (2) OF THIS**  
23 **SUBSECTION, THE INFORMATION PROVIDED BY AN OWNER UNDER SUBSECTION**  
24 **(B) OF THIS SECTION SHALL BE OPEN TO THE PUBLIC.**
- 25           **(2) (i) EXCEPT AS PROVIDED IN SUBPARAGRAPH (ii) OF THIS**  
26 **PARAGRAPH, THE DEPARTMENT MAY NOT DISCLOSE AN INVENTORY OR LIST OF**  
27 **PROPERTIES OWNED BY AN OWNER.**
- 28                   **(ii) THE DEPARTMENT SHALL, UPON REQUEST, DISCLOSE**  
29 **WHETHER THE OWNER HAS MET THE PERCENTAGE OF INVENTORY**  
30 **REQUIREMENTS UNDER § 6-817 OF THIS SUBTITLE.**

1           **(A) AN OWNER WHO HAS REGISTERED AN AFFECTED PROPERTY UNDER**  
2 **§ 6-811 OF THIS SUBTITLE SHALL:**

3                   **(1) RENEW THE REGISTRATION OF THE AFFECTED PROPERTY ON**  
4 **OR BEFORE DECEMBER 31 OF EACH YEAR; AND**

5                   **(2) UPDATE THE INFORMATION CONTAINED IN THE OWNER'S**  
6 **REGISTRATION REQUIRED BY § 6-811(B)(1) THROUGH (5) OF THIS SUBTITLE**  
7 **WITHIN 30 DAYS AFTER ANY CHANGE IN THE INFORMATION REQUIRED IN THE**  
8 **REGISTRATION.**

9           **(B) AN OWNER WHO ACQUIRES AN AFFECTED PROPERTY SHALL**  
10 **REGISTER THE AFFECTED PROPERTY UNDER § 6-811 OF THIS SUBTITLE WITHIN**  
11 **30 DAYS AFTER THE ACQUISITION.**

12 **6-813.**

13           **A PERSON WHO WILLFULLY AND KNOWINGLY FALSIFIES INFORMATION**  
14 **FILED IN A REGISTRATION OR RENEWAL UNDER THIS PART IS GUILTY OF A**  
15 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING**  
16 **\$2,000.**

17 **6-814. RESERVED.**

18           **PART IV. RISK REDUCTION STANDARD FOR AFFECTED PROPERTY.**

19 **6-815.**

20           **(A) ON A CHANGE IN OCCUPANCY IN AN AFFECTED PROPERTY, BEFORE**  
21 **THE NEXT TENANT OCCUPIES THE PROPERTY, AN OWNER OF AN AFFECTED**  
22 **PROPERTY SHALL SATISFY THE RISK REDUCTION STANDARD ESTABLISHED**  
23 **UNDER THIS SUBTITLE BY:**

24                   **(1) PASSING THE TEST FOR LEAD-CONTAMINATED DUST UNDER §**  
25 **6-816 OF THIS SUBTITLE PROVIDED THAT ANY CHIPPING, PEELING, OR**  
26 **FLAKING PAINT HAS BEEN REMOVED OR REPAINTED ON:**

27                           **(I) THE EXTERIOR PAINTED SURFACES OF THE**  
28 **RESIDENTIAL BUILDING IN WHICH THE RENTAL DWELLING UNIT IS LOCATED;**  
29 **AND**

30                           **(II) THE INTERIOR PAINTED SURFACES OF THE RENTAL**  
31 **DWELLING UNIT; OR**

1                   **(2) PERFORMING THE FOLLOWING LEAD HAZARD REDUCTION**  
2 **TREATMENTS:**

3                   **(I) A VISUAL REVIEW OF ALL EXTERIOR AND INTERIOR**  
4 **PAINTED SURFACES;**

5                   **(II) THE REMOVAL AND REPAINTING OF CHIPPING,**  
6 **PEELING, OR FLAKING PAINT ON EXTERIOR AND INTERIOR PAINTED SURFACES;**

7                   **(III) THE REPAIR OF ANY STRUCTURAL DEFECT THAT IS**  
8 **CAUSING THE PAINT TO CHIP, PEEL, OR FLAKE THAT THE OWNER OF THE**  
9 **AFFECTED PROPERTY HAS KNOWLEDGE OF OR, WITH THE EXERCISE OF**  
10 **REASONABLE CARE, SHOULD HAVE KNOWLEDGE OF;**

11                   **(IV) STRIPPING AND REPAINTING, REPLACING, OR**  
12 **ENCAPSULATING ALL INTERIOR WINDOWSILLS WITH VINYL, METAL, OR ANY**  
13 **OTHER MATERIAL IN A MANNER AND UNDER CONDITIONS APPROVED BY THE**  
14 **DEPARTMENT;**

15                   **(V) ENSURE THAT CAPS OF VINYL, ALUMINUM, OR ANY**  
16 **OTHER MATERIAL, IN A MANNER AND UNDER CONDITIONS APPROVED BY THE**  
17 **DEPARTMENT, ARE INSTALLED IN ALL WINDOW WELLS IN ORDER TO MAKE THE**  
18 **WINDOW WELLS SMOOTH AND CLEANABLE;**

19                   **(VI) EXCEPT FOR A TREATED OR REPLACEMENT WINDOW**  
20 **THAT IS FREE OF LEAD-BASED PAINT ON ITS FRICTION SURFACES, FIXING THE**  
21 **TOP SASH OF ALL WINDOWS IN PLACE IN ORDER TO ELIMINATE THE FRICTION**  
22 **CAUSED BY MOVEMENT OF THE TOP SASH;**

23                   **(VII) REHANGING ALL DOORS NECESSARY IN ORDER TO**  
24 **PREVENT THE RUBBING TOGETHER OF A LEAD-PAINTED SURFACE WITH**  
25 **ANOTHER SURFACE;**

26                   **(VIII) MAKING ALL BARE FLOORS SMOOTH AND CLEANABLE;**

27                   **(IX) ENSURE THAT ALL KITCHEN AND BATHROOM FLOORS**  
28 **ARE OVERLAID WITH A SMOOTH, WATER-RESISTANT COVERING; AND**

29                   **(X) HEPA-VACUUMING AND WASHING OF THE INTERIOR OF**  
30 **THE AFFECTED PROPERTY WITH HIGH PHOSPHATE DETERGENT OR ITS**  
31 **EQUIVALENT, AS DETERMINED BY THE DEPARTMENT.**

1           **(B) AT EACH CHANGE IN OCCUPANCY THEREAFTER, BEFORE THE NEXT**  
2 **TENANT OCCUPIES THE PROPERTY, THE OWNER OF AN AFFECTED PROPERTY**  
3 **SHALL SATISFY THE RISK REDUCTION STANDARD ESTABLISHED UNDER THIS**  
4 **SUBTITLE BY:**

5                   **(1) PASSING THE TEST FOR LEAD-CONTAMINATED DUST UNDER §**  
6 **6-816 OF THIS SUBTITLE; OR**

7                   **(2) (I) REPEATING THE LEAD HAZARD REDUCTION**  
8 **TREATMENTS SPECIFIED IN SUBSECTION (A)(2)(I), (II), (III), AND (X) OF THIS**  
9 **SECTION; AND**

10                   **(II) ENSURING THAT THE LEAD HAZARD REDUCTION**  
11 **TREATMENTS SPECIFIED IN SUBSECTION (A)(2)(IV), (V), (VI), (VII), (VIII), AND**  
12 **(IX) OF THIS SECTION ARE STILL IN EFFECT.**

13           **(C) EXCEPT FOR AFFECTED PROPERTIES THAT PASS A TEST FOR**  
14 **LEAD-CONTAMINATED DUST UNDER § 6-816 OF THIS SUBTITLE, AT EACH**  
15 **CHANGE IN OCCUPANCY, AN OWNER OF AN AFFECTED PROPERTY SHALL HAVE**  
16 **THE PROPERTY INSPECTED TO VERIFY THAT THE RISK REDUCTION STANDARD**  
17 **SPECIFIED IN THIS SECTION HAS BEEN SATISFIED.**

18           **(D) (1) EXTERIOR WORK REQUIRED TO SATISFY THE RISK**  
19 **REDUCTION STANDARD MAY BE DELAYED, PURSUANT TO A WAIVER APPROVED**  
20 **BY THE APPROPRIATE PERSON UNDER PARAGRAPH (2) OF THIS SUBSECTION,**  
21 **DURING ANY TIME PERIOD IN WHICH EXTERIOR WORK IS NOT REQUIRED TO BE**  
22 **PERFORMED UNDER AN APPLICABLE LOCAL HOUSING CODE OR, IF NO SUCH**  
23 **TIME PERIOD IS SPECIFIED, DURING THE PERIOD FROM NOVEMBER 1 THROUGH**  
24 **APRIL 1, INCLUSIVE.**

25                   **(2) A WAIVER UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY**  
26 **BE APPROVED BY THE CODE OFFICIAL FOR ENFORCEMENT OF THE HOUSING**  
27 **CODE OR MINIMUM LIVABILITY CODE OF THE LOCAL JURISDICTION, OR, IF**  
28 **THERE IS NO SUCH OFFICIAL, THE DEPARTMENT OF HOUSING AND COMMUNITY**  
29 **DEVELOPMENT.**

30                   **(3) NOTWITHSTANDING THE TERMS OF THE WAIVER, ALL WORK**  
31 **DELAYED IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION SHALL**  
32 **BE COMPLETED WITHIN 30 DAYS AFTER THE END OF THE APPLICABLE TIME**  
33 **PERIOD.**

34                   **(4) ANY DELAY ALLOWED UNDER PARAGRAPH (1) OF THIS**  
35 **SUBSECTION MAY NOT AFFECT THE OBLIGATION OF THE OWNER TO COMPLETE**

1 ALL OTHER COMPONENTS OF THE RISK REDUCTION STANDARD AND TO HAVE  
2 THOSE COMPONENTS INSPECTED AND VERIFIED.

3 (5) IF THE OWNER HAS COMPLIED WITH THE REQUIREMENTS OF  
4 PARAGRAPH (4) OF THIS SUBSECTION, THE OWNER MAY RENT THE AFFECTED  
5 PROPERTY DURING ANY PERIOD OF DELAY ALLOWED UNDER PARAGRAPH (1) OF  
6 THIS SUBSECTION.

7 (E) ON REQUEST OF A LOCAL JURISDICTION, THE SECRETARY MAY  
8 DESIGNATE THE CODE OFFICIAL FOR ENFORCEMENT OF THE HOUSING CODE OR  
9 MINIMUM LIVABILITY CODE FOR THE LOCAL JURISDICTION, OR AN  
10 APPROPRIATE EMPLOYEE OF THE LOCAL JURISDICTION, TO CONDUCT  
11 INSPECTIONS UNDER THIS SUBTITLE.

12 **6-816.**

13 THE DEPARTMENT SHALL ESTABLISH PROCEDURES AND STANDARDS FOR  
14 THE OPTIONAL LEAD-CONTAMINATED DUST TESTING BY REGULATION.

15 **6-817.**

16 (A) ON AND AFTER FEBRUARY 24, 2011, AN OWNER OF AFFECTED  
17 PROPERTIES SHALL ENSURE THAT 100% OF THE OWNER'S AFFECTED  
18 PROPERTIES IN WHICH A PERSON AT RISK RESIDES, AND OF WHOM THE OWNER  
19 HAS BEEN NOTIFIED IN WRITING, HAVE SATISFIED THE RISK REDUCTION  
20 STANDARD SPECIFIED IN § 6-815(A) OF THIS SUBTITLE.

21 (B) ON EACH OCCASION THAT AN AFFECTED PROPERTY THAT HAS NOT  
22 UNDERGONE A CHANGE IN OCCUPANCY IS TREATED TO SATISFY THE  
23 REQUIREMENTS OF THIS SECTION, THE OWNER OF THE AFFECTED PROPERTY  
24 SHALL HAVE THE PROPERTY INSPECTED TO VERIFY THAT THE RISK REDUCTION  
25 STANDARD SPECIFIED IN § 6-815(A) OF THIS SUBTITLE HAS BEEN SATISFIED.

26 (C) THE OWNER OF AN AFFECTED PROPERTY SHALL BE RESPONSIBLE  
27 FOR THE COST OF ANY TEMPORARY RELOCATION OF THE TENANTS OF THE  
28 AFFECTED PROPERTY THAT IS NECESSARY TO FULFILL THE REQUIREMENTS OF  
29 THIS SECTION.

30 **6-818.**

31 (A) (1) ANY PERSON PERFORMING LEAD-CONTAMINATED DUST  
32 TESTING OR CONDUCTING INSPECTIONS REQUIRED BY THIS SUBTITLE:

33 (I) SHALL BE ACCREDITED BY THE DEPARTMENT;



1                   **(II) MAY NOT BE A RELATED PARTY TO THE OWNER; AND**

2                   **(III) SHALL SUBMIT A VERIFIED REPORT OF THE RESULT OF**  
3 **THE LEAD-CONTAMINATED DUST TESTING OR VISUAL INSPECTION TO THE**  
4 **DEPARTMENT, THE OWNER, AND THE TENANT, IF ANY, OF THE AFFECTED**  
5 **PROPERTY.**

6                   **(2) AN OWNER MAY NOT EMPLOY OR ENGAGE A RELATED PARTY**  
7 **TO THE OWNER TO PERFORM LEAD-CONTAMINATED DUST TESTING OR**  
8 **CONDUCT INSPECTIONS REQUIRED BY THIS SUBTITLE.**

9                   **(B) A REPORT SUBMITTED TO THE DEPARTMENT UNDER SUBSECTION**  
10 **(A) OF THIS SECTION THAT CERTIFIES COMPLIANCE FOR AN AFFECTED**  
11 **PROPERTY WITH THE RISK REDUCTION STANDARD SHALL BE CONCLUSIVE**  
12 **PROOF THAT THE OWNER IS IN COMPLIANCE WITH THE RISK REDUCTION**  
13 **STANDARD FOR THE AFFECTED PROPERTY DURING THE PERIOD FOR WHICH**  
14 **THE CERTIFICATION IS EFFECTIVE, UNLESS THERE IS:**

15                   **(1) PROOF OF ACTUAL FRAUD AS TO THAT AFFECTED PROPERTY;**

16                   **(2) PROOF THAT THE WORK PERFORMED IN THE AFFECTED**  
17 **PROPERTY WAS NOT PERFORMED BY OR UNDER THE SUPERVISION OF**  
18 **PERSONNEL ACCREDITED UNDER § 6-1002 OF THIS TITLE; OR**

19                   **(3) PROOF THAT THE OWNER FAILED TO RESPOND TO A**  
20 **COMPLAINT REGARDING THE AFFECTED PROPERTY AS REQUIRED BY § 6-819 OF**  
21 **THIS SUBTITLE.**

22 **6-819.**

23                   **(A) THE MODIFIED RISK REDUCTION STANDARD SHALL CONSIST OF**  
24 **PERFORMING THE FOLLOWING LEAD HAZARD REDUCTION TREATMENTS:**

25                   **(1) A VISUAL REVIEW OF ALL EXTERIOR AND INTERIOR PAINTED**  
26 **SURFACES;**

27                   **(2) THE REMOVAL AND REPAINTING OF CHIPPING, PEELING, OR**  
28 **FLAKING PAINT ON EXTERIOR AND INTERIOR PAINTED SURFACES;**

29                   **(3) THE REPAIR OF ANY STRUCTURAL DEFECT THAT IS CAUSING**  
30 **THE PAINT TO CHIP, PEEL, OR FLAKE, THAT THE OWNER OF THE AFFECTED**  
31 **PROPERTY HAS KNOWLEDGE OF OR, WITH THE EXERCISE OF REASONABLE**  
32 **CARE, SHOULD HAVE KNOWLEDGE OF;**

1           **(4) STRIPPING AND REPAINTING, REPLACING, OR**  
2 **ENCAPSULATING ALL INTERIOR WINDOWSILLS WITH VINYL, METAL, OR ANY**  
3 **OTHER MATERIAL IN A MANNER AND UNDER CONDITIONS APPROVED BY THE**  
4 **DEPARTMENT;**

5           **(5) ENSURE THAT CAPS OF VINYL, ALUMINUM, OR ANY OTHER**  
6 **MATERIAL, IN A MANNER AND UNDER CONDITIONS APPROVED BY THE**  
7 **DEPARTMENT, ARE INSTALLED IN ALL WINDOW WELLS IN ORDER TO MAKE THE**  
8 **WINDOW WELLS SMOOTH AND CLEANABLE;**

9           **(6) EXCEPT FOR A TREATED OR REPLACEMENT WINDOW THAT IS**  
10 **FREE OF LEAD-BASED PAINT ON ITS FRICTION SURFACES, FIXING THE TOP SASH**  
11 **OF ALL WINDOWS IN PLACE IN ORDER TO ELIMINATE THE FRICTION CAUSED BY**  
12 **THE MOVEMENT OF THE TOP SASH;**

13           **(7) REHANGING ALL DOORS IN ORDER TO PREVENT THE RUBBING**  
14 **TOGETHER OF A LEAD-PAINTED SURFACE WITH ANOTHER SURFACE;**

15           **(8) ENSURE THAT ALL KITCHEN AND BATHROOM FLOORS ARE**  
16 **OVERLAID WITH A SMOOTH, WATER-RESISTANT COVERING; AND**

17           **(9) HEPA-VACUUMING AND WASHING WITH HIGH PHOSPHATE**  
18 **DETERGENT OR ITS EQUIVALENT, AS DETERMINED BY THE DEPARTMENT, ANY**  
19 **AREA OF THE AFFECTED PROPERTY WHERE REPAIRS WERE MADE.**

20           **(B) (1) A TENANT OF AN AFFECTED PROPERTY MAY NOTIFY THE**  
21 **OWNER OF THE AFFECTED PROPERTY OF A DEFECT IN THE AFFECTED**  
22 **PROPERTY UNDER THIS SECTION IN ACCORDANCE WITH THIS SUBSECTION.**

23           **(2) NOTICE OF A DEFECT UNDER THIS SECTION SHALL CONSIST**  
24 **OF:**

25           **(I) IF THE MODIFIED RISK REDUCTION STANDARD HAS NOT**  
26 **BEEN SATISFIED FOR THE AFFECTED PROPERTY, THE PRESENCE OF CHIPPING,**  
27 **PEELING, OR FLAKING PAINT ON THE INTERIOR OR EXTERIOR SURFACES OF**  
28 **THE AFFECTED PROPERTY OR OF A STRUCTURAL DEFECT CAUSING CHIPPING,**  
29 **PEELING, OR FLAKING PAINT IN THE AFFECTED PROPERTY; OR**

30           **(II) IF THE MODIFIED RISK REDUCTION STANDARD HAS**  
31 **BEEN SATISFIED FOR THE AFFECTED PROPERTY, A DEFECT RELATING TO THE**  
32 **MODIFIED RISK REDUCTION STANDARD.**

1           **(C) (1) AN OWNER OF AN AFFECTED PROPERTY SHALL SATISFY THE**  
2 **MODIFIED RISK REDUCTION STANDARD WITHIN 30 DAYS AFTER RECEIPT OF**  
3 **WRITTEN NOTICE THAT A PERSON AT RISK WHO RESIDES IN THE PROPERTY HAS**  
4 **AN ELEVATED BLOOD LEAD LEVEL DOCUMENTED BY A TEST FOR EBL GREATER**  
5 **THAN OR EQUAL TO 10 UG/DL.**

6           **(2) (I) AN OWNER WHO RECEIVES MULTIPLE NOTICES OF AN**  
7 **ELEVATED BLOOD LEVEL UNDER THIS SUBSECTION OR MULTIPLE NOTICES OF**  
8 **DEFECT UNDER SUBSECTION (D) OF THIS SECTION MAY SATISFY ALL SUCH**  
9 **NOTICES BY SUBSEQUENT COMPLIANCE WITH THE RISK REDUCTION MEASURES**  
10 **SPECIFIED IN SUBSECTION (A) OF THIS SECTION, AS DOCUMENTED BY**  
11 **SATISFACTION OF SUBSECTION (F) OR (G) OF THIS SECTION, IF THE OWNER**  
12 **COMPLIES WITH THE RISK REDUCTION MEASURES SPECIFIED IN SUBSECTION**  
13 **(A) OF THIS SECTION AFTER THE DATE OF THE TEST DOCUMENTING THE**  
14 **ELEVATED BLOOD LEVEL OR AFTER THE DATE THE NOTICES OF DEFECT WERE**  
15 **ISSUED.**

16           **(II) SUBPARAGRAPH (I) OF THIS PARAGRAPH DOES NOT**  
17 **AFFECT AN OWNER'S OBLIGATION TO PERFORM THE RISK REDUCTION**  
18 **MEASURES SPECIFIED IN SUBSECTION (A) OF THIS SECTION FOR A TRIGGERING**  
19 **EVENT THAT OCCURS AFTER THE OWNER SATISFIES THE PROVISIONS OF**  
20 **SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

21           **(D) AN OWNER OF AN AFFECTED PROPERTY SHALL SATISFY THE**  
22 **MODIFIED RISK REDUCTION STANDARD WITHIN 30 DAYS AFTER RECEIPT OF**  
23 **WRITTEN NOTICE FROM THE TENANT, OR FROM ANY OTHER SOURCE, OF A**  
24 **DEFECT.**

25           **(E) EXCEPT AS PROVIDED IN § 6-817(A) OF THIS SUBTITLE, ON AND**  
26 **AFTER FEBRUARY 24, 2011, AN OWNER OF AFFECTED PROPERTIES SHALL**  
27 **ENSURE THAT 100% OF THE OWNER'S AFFECTED PROPERTIES IN WHICH A**  
28 **PERSON AT RISK DOES NOT RESIDE HAVE SATISFIED THE MODIFIED RISK**  
29 **REDUCTION STANDARD.**

30           **(F) (1) AN OWNER OF AN AFFECTED PROPERTY SHALL VERIFY**  
31 **SATISFACTION OF THE MODIFIED RISK REDUCTION STANDARD BY SUBMITTING**  
32 **A STATEMENT OF THE WORK PERFORMED ON THE PROPERTY, VERIFIED BY THE**  
33 **TENANT AND AN ACCREDITED SUPERVISOR OR CONTRACTOR, TO THE**  
34 **DEPARTMENT ON OR BEFORE THE 10TH DAY OF THE MONTH FOLLOWING THE**  
35 **MONTH IN WHICH THE WORK WAS COMPLETED.**

36           **(2) (I) IF THE TENANT FAILS OR REFUSES TO VERIFY THE**  
37 **STATEMENT OF WORK PERFORMED ON THE AFFECTED PROPERTY, THE OWNER**  
38 **SHALL, WITHIN 5 BUSINESS DAYS OF THE FAILURE OR REFUSAL, CONTACT AN**

1 INSPECTOR ACCREDITED UNDER § 6-818(A) OF THIS SUBTITLE TO INSPECT THE  
2 AFFECTED PROPERTY.

3 (II) THE INSPECTOR'S REPORT SHALL EITHER CERTIFY  
4 THAT THE WORK REQUIRED TO BE PERFORMED UNDER THIS SECTION WAS  
5 SATISFACTORILY COMPLETED OR SPECIFY PRECISELY WHAT ADDITIONAL WORK  
6 IS REQUIRED.

7 (III) IF ADDITIONAL WORK IS REQUIRED:

8 1. THE OWNER SHALL HAVE 20 DAYS AFTER  
9 RECEIPT OF THE INSPECTOR'S REPORT IN WHICH TO PERFORM THE WORK,  
10 SUBJECT TO A WEATHER DELAY UNDER THE PROVISIONS OF SUBSECTION (J) OF  
11 THIS SECTION; AND

12 2. THE INSPECTOR SHALL REINSPECT THE  
13 AFFECTED PROPERTY AFTER THE ADDITIONAL WORK IS COMPLETED AND:

14 A. ISSUE A REPORT CERTIFYING THAT THE WORK IS  
15 COMPLETE; AND

16 B. MAIL A COPY OF THE REPORT TO THE TENANT,  
17 THE OWNER, AND THE DEPARTMENT WITHIN 10 DAYS AFTER THE INSPECTION  
18 OR REINSPECTION.

19 (G) IN LIEU OF SATISFYING THE MODIFIED RISK REDUCTION  
20 STANDARD, THE OWNER OF AN AFFECTED PROPERTY MAY ELECT TO PASS THE  
21 TEST FOR LEAD-CONTAMINATED DUST UNDER § 6-816 OF THIS SUBTITLE  
22 PROVIDED THAT ANY CHIPPING, PEELING, OR FLAKING PAINT HAS BEEN  
23 REMOVED OR REPAINTED ON:

24 (1) THE EXTERIOR PAINTED SURFACES OF THE RESIDENTIAL  
25 BUILDING IN WHICH THE RENTAL DWELLING UNIT IS LOCATED; AND

26 (2) THE INTERIOR PAINTED SURFACES OF THE RENTAL  
27 DWELLING UNIT.

28 (H) NOTICE GIVEN UNDER THIS SECTION SHALL BE WRITTEN AND  
29 SHALL BE SENT BY:

30 (1) CERTIFIED MAIL, RETURN RECEIPT REQUESTED; OR

31 (2) A VERIFIABLE METHOD APPROVED BY THE DEPARTMENT.

1           **(I) THE DEPARTMENT MAY, BY REGULATION, ELIMINATE ANY**  
2 **TREATMENT FROM THE MODIFIED RISK REDUCTION STANDARD IF THE**  
3 **DEPARTMENT FINDS THAT PERFORMING THE TREATMENT IN AN OCCUPIED**  
4 **PROPERTY IS HARMFUL TO PUBLIC HEALTH.**

5           **(J) (1) EXTERIOR WORK REQUIRED TO SATISFY THE MODIFIED RISK**  
6 **REDUCTION STANDARD MAY BE DELAYED, PURSUANT TO A WAIVER APPROVED**  
7 **BY THE APPROPRIATE PERSON UNDER PARAGRAPH (2) OF THIS SUBSECTION,**  
8 **DURING ANY TIME PERIOD IN WHICH EXTERIOR WORK IS NOT REQUIRED TO BE**  
9 **PERFORMED UNDER AN APPLICABLE LOCAL HOUSING CODE OR, IF NO SUCH**  
10 **TIME PERIOD IS SPECIFIED, DURING THE PERIOD FROM NOVEMBER 1 THROUGH**  
11 **APRIL 1, INCLUSIVE.**

12           **(2) A WAIVER UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY**  
13 **BE APPROVED BY THE CODE OFFICIAL FOR ENFORCEMENT OF THE HOUSING**  
14 **CODE OR MINIMUM LIVABILITY CODE OF THE LOCAL JURISDICTION, OR, IF**  
15 **THERE IS NO SUCH OFFICIAL, THE DEPARTMENT OF HOUSING AND COMMUNITY**  
16 **DEVELOPMENT.**

17           **(3) NOTWITHSTANDING THE TERMS OF THE WAIVER, ALL WORK**  
18 **DELAYED IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION SHALL**  
19 **BE COMPLETED WITHIN 30 DAYS AFTER THE END OF THE APPLICABLE TIME**  
20 **PERIOD.**

21           **(4) ANY DELAY ALLOWED UNDER PARAGRAPH (1) OF THIS**  
22 **SUBSECTION MAY NOT AFFECT THE OBLIGATION OF THE OWNER TO COMPLETE**  
23 **ALL OTHER COMPONENTS OF THE RISK REDUCTION STANDARD AND TO HAVE**  
24 **THOSE COMPONENTS INSPECTED AND VERIFIED.**

25           **(K) (1) THE STATEMENT VERIFIED BY THE OWNER AND THE TENANT**  
26 **OF WORK PERFORMED ON THE AFFECTED PROPERTY IN ACCORDANCE WITH**  
27 **SUBSECTION (F)(1) OF THIS SECTION OR THE FINAL REPORT OF THE INSPECTOR**  
28 **VERIFYING THAT WORK WAS PERFORMED ON THE AFFECTED PROPERTY IN**  
29 **ACCORDANCE WITH SUBSECTION (F)(2) OF THIS SECTION SHALL CREATE A**  
30 **REBUTTABLE PRESUMPTION, WHICH MAY BE OVERCOME BY CLEAR AND**  
31 **CONVINCING EVIDENCE, THAT THE OWNER IS IN COMPLIANCE WITH THE**  
32 **MODIFIED RISK REDUCTION STANDARD FOR THE AFFECTED PROPERTY UNLESS**  
33 **THERE IS:**

34                           **(i) PROOF OF ACTUAL FRAUD AS TO THAT AFFECTED**  
35 **PROPERTY; OR**

1                   **(II) PROOF THAT THE WORK PERFORMED ON THE**  
2 **AFFECTED PROPERTY WAS NOT PERFORMED BY OR UNDER THE SUPERVISION**  
3 **OF PERSONNEL ACCREDITED UNDER § 6-1002 OF THIS TITLE.**

4                   **(2) THE STATEMENT VERIFIED BY THE OWNER AND THE TENANT**  
5 **OF WORK PERFORMED ON THE AFFECTED PROPERTY IN ACCORDANCE WITH**  
6 **SUBSECTION (F)(1) OF THIS SECTION SHALL CONTAIN A STATEMENT:**

7                   **(I) DESCRIBING THE MODIFIED RISK REDUCTION**  
8 **STANDARD REQUIRED UNDER THIS SUBTITLE;**

9                   **(II) THAT EXECUTION OF THIS STATEMENT BY THE TENANT**  
10 **CAN AFFECT THE TENANT'S LEGAL RIGHTS; AND**

11                   **(III) THAT IF THE TENANT IS NOT SATISFIED THAT THE**  
12 **MODIFIED RISK REDUCTION STANDARD HAS BEEN MET, THE TENANT SHOULD**  
13 **NOT EXECUTE THE STATEMENT AND SHOULD INFORM THE OWNER AND THAT**  
14 **THE OWNER WILL HAVE THE AFFECTED PROPERTY INSPECTED BY A CERTIFIED**  
15 **INSPECTOR AT THE OWNER'S EXPENSE.**

16 **6-820.**

17                   **(A) AN OWNER OF AN AFFECTED PROPERTY SHALL GIVE TO THE**  
18 **TENANT OF THE AFFECTED PROPERTY A NOTICE, PREPARED BY THE**  
19 **DEPARTMENT, OF THE TENANT'S RIGHTS UNDER §§ 6-817 AND 6-819 OF THIS**  
20 **SUBTITLE ON THE EXECUTION OF A LEASE OR THE INCEPTION OF A TENANCY.**

21                   **(B) AN OWNER OF AN AFFECTED PROPERTY SHALL GIVE TO THE**  
22 **TENANT OF THE AFFECTED PROPERTY A NOTICE, PREPARED BY THE**  
23 **DEPARTMENT, OF THE TENANT'S RIGHTS UNDER §§ 6-817 AND 6-819 OF THIS**  
24 **SUBTITLE AT LEAST EVERY 2 YEARS AFTER LAST GIVING THE NOTICE TO THE**  
25 **TENANT.**

26                   **(C) THE OWNER SHALL INCLUDE, WITH THE NOTICE OF THE TENANT'S**  
27 **RIGHTS THAT IS PROVIDED TO A TENANT UNDER THIS SECTION UPON THE**  
28 **EXECUTION OF A LEASE OR THE INCEPTION OF A TENANCY, A COPY OF THE**  
29 **CURRENT VERIFIED INSPECTION CERTIFICATE FOR THE AFFECTED PROPERTY**  
30 **PREPARED UNDER § 6-818 OF THIS SUBTITLE.**

31                   **(D) (1) NOTICE GIVEN UNDER THIS SECTION SHALL BE WRITTEN AND**  
32 **SHALL BE SENT BY:**

33                   **(I) CERTIFIED MAIL, RETURN RECEIPT REQUESTED; OR**

1                   (II) A VERIFIABLE METHOD APPROVED BY THE  
2 DEPARTMENT.

3                   (2) WHEN GIVING NOTICE TO A TENANT UNDER THIS SECTION,  
4 THE OWNER SHALL PROVIDE DOCUMENTATION OF THE NOTICE TO THE  
5 DEPARTMENT IN A MANNER ACCEPTABLE TO THE DEPARTMENT.

6                   (3) A NOTICE REQUIRED TO BE GIVEN TO A TENANT UNDER THIS  
7 SECTION SHALL BE SENT TO A PARTY OR PARTIES IDENTIFIED AS THE LESSEE IN  
8 A WRITTEN LEASE IN EFFECT FOR AN AFFECTED PROPERTY OR, IF THERE IS NO  
9 WRITTEN LEASE, THE PARTY OR PARTIES TO WHOM THE PROPERTY WAS  
10 RENTED.

11                  (E) A PERSON WHO HAS ACQUIRED, OR WILL ACQUIRE, AN AFFECTED  
12 PROPERTY SHALL GIVE THE NOTICE REQUIRED UNDER THIS SECTION TO THE  
13 TENANT OF THE AFFECTED PROPERTY:

14                   (1) BEFORE TRANSFER OF LEGAL TITLE; OR

15                   (2) WITHIN 15 DAYS FOLLOWING TRANSFER OF LEGAL TITLE.

16 **6-821.**

17                  (A) (1) WHENEVER AN OWNER OF AN AFFECTED PROPERTY INTENDS  
18 TO MAKE REPAIRS OR PERFORM MAINTENANCE WORK THAT WILL DISTURB THE  
19 PAINT ON INTERIOR SURFACES OF AN AFFECTED PROPERTY, THE OWNER SHALL  
20 MAKE REASONABLE EFFORTS TO ENSURE THAT ALL PERSONS WHO ARE NOT  
21 PERSONS AT RISK ARE NOT PRESENT IN THE AREA WHERE WORK IS PERFORMED  
22 AND THAT ALL PERSONS AT RISK ARE REMOVED FROM THE AFFECTED  
23 PROPERTY WHEN THE WORK IS PERFORMED.

24                   (2) A TENANT SHALL ALLOW ACCESS TO AN AFFECTED  
25 PROPERTY, AT REASONABLE TIMES, TO THE OWNER TO PERFORM ANY WORK  
26 REQUIRED UNDER THIS SUBTITLE.

27                   (3) IF A TENANT MUST VACATE AN AFFECTED PROPERTY FOR A  
28 PERIOD OF 24 HOURS OR MORE IN ORDER TO ALLOW AN OWNER TO PERFORM  
29 WORK THAT WILL DISTURB THE PAINT ON INTERIOR SURFACES, THE OWNER  
30 SHALL PAY THE REASONABLE EXPENSES THAT THE TENANT INCURS DIRECTLY  
31 RELATED TO THE REQUIRED RELOCATION.

32                  (B) (1) IF AN OWNER HAS MADE ALL REASONABLE EFFORTS TO  
33 CAUSE THE TENANT TO TEMPORARILY VACATE AN AFFECTED PROPERTY IN  
34 ORDER TO PERFORM WORK THAT WILL DISTURB THE PAINT ON INTERIOR

1 SURFACES AND THE TENANT REFUSES TO VACATE THE AFFECTED PROPERTY,  
2 THE OWNER MAY NOT BE LIABLE FOR ANY DAMAGES ARISING FROM THE  
3 TENANT'S REFUSAL TO VACATE.

4 (2) IF AN OWNER HAS MADE ALL REASONABLE EFFORTS TO GAIN  
5 ACCESS TO AN AFFECTED PROPERTY IN ORDER TO PERFORM ANY WORK  
6 REQUIRED UNDER THIS SUBTITLE AND THE TENANT REFUSES TO ALLOW  
7 ACCESS EVEN AFTER RECEIVING REASONABLE ADVANCE NOTICE OF THE NEED  
8 FOR ACCESS, THE OWNER MAY NOT BE LIABLE FOR ANY DAMAGES ARISING  
9 FROM THE TENANT'S REFUSAL TO ALLOW ACCESS.

10 (C) ALL HAZARD REDUCTION TREATMENTS REQUIRED TO BE  
11 PERFORMED UNDER THIS SUBTITLE SHALL BE PERFORMED BY OR UNDER THE  
12 SUPERVISION OF PERSONNEL ACCREDITED UNDER § 6-1002 OF THIS TITLE.

13 6-822.

14 (A) THE PROVISIONS OF THIS SUBTITLE DO NOT AFFECT:

15 (1) THE DUTIES AND OBLIGATIONS OF AN OWNER OF AN  
16 AFFECTED PROPERTY TO REPAIR OR MAINTAIN THE AFFECTED PROPERTY AS  
17 REQUIRED UNDER ANY APPLICABLE STATE OR LOCAL LAW OR REGULATION; OR

18 (2) THE AUTHORITY OF A STATE OR LOCAL AGENCY TO ENFORCE  
19 APPLICABLE HOUSING OR LIVABILITY CODES OR TO ORDER LEAD ABATEMENTS  
20 IN ACCORDANCE WITH ANY APPLICABLE STATE OR LOCAL LAW OR REGULATION.

21 (B) (1) NOTWITHSTANDING § 6-803 OF THIS SUBTITLE, FOLLOWING  
22 AN ENVIRONMENTAL INVESTIGATION IN RESPONSE TO A REPORT OF A LEAD  
23 POISONED PERSON AT RISK, A LOCAL JURISDICTION MAY ORDER AN  
24 ABATEMENT, AS DEFINED IN § 6-1001 OF THIS TITLE, IN ANY RESIDENTIAL  
25 PROPERTY.

26 (2) NO PROVISION OF THIS ACT MAY BE CONSTRUED TO LIMIT  
27 THE TREATMENTS THAT MAY BE ENCOMPASSED BY AN ORDER TO ABATE LEAD  
28 HAZARDS.

29 (C) WHENEVER THERE IS A CONFLICT BETWEEN THE REQUIREMENTS  
30 OF AN ABATEMENT ORDER ISSUED BY A STATE OR LOCAL AGENCY TO AN OWNER  
31 OF AN AFFECTED PROPERTY AND THE PROVISIONS OF THIS SUBTITLE, THE  
32 MORE STRINGENT PROVISIONS OF THIS SUBTITLE AND OF THE ABATEMENT  
33 ORDER SHALL BE CONTROLLING IN DETERMINING THE OWNER'S OBLIGATIONS  
34 REGARDING THE NECESSARY LEAD HAZARD REDUCTION TREATMENTS THAT



1 SHALL BE PERFORMED IN THE AFFECTED PROPERTY THAT IS SUBJECT TO THE  
2 ABATEMENT ORDER.

3 **6-823.**

4 (A) ON THE EXECUTION OF A LEASE OR THE INCEPTION OF A TENANCY  
5 FOR AN AFFECTED PROPERTY, THE OWNER OF THE AFFECTED PROPERTY SHALL  
6 GIVE TO THE TENANT A LEAD POISONING INFORMATION PACKET PREPARED OR  
7 DESIGNATED BY THE DEPARTMENT.

8 (B) AN OWNER OF AN AFFECTED PROPERTY SHALL GIVE TO THE  
9 TENANT OF THE AFFECTED PROPERTY ANOTHER COPY OF THE LEAD POISONING  
10 INFORMATION PACKET PREPARED OR DESIGNATED BY THE DEPARTMENT AT  
11 LEAST EVERY 2 YEARS AFTER LAST GIVING THE INFORMATION PACKET TO THE  
12 TENANT.

13 (C) A PACKET GIVEN TO A TENANT UNDER THIS SECTION SHALL BE  
14 SENT BY:

15 (1) CERTIFIED MAIL, RETURN RECEIPT REQUESTED; OR

16 (2) A VERIFIABLE METHOD APPROVED BY THE DEPARTMENT.

17 (D) THE PACKET REQUIRED TO BE GIVEN TO A TENANT UNDER THIS  
18 SECTION SHALL BE SENT TO A PARTY OR PARTIES IDENTIFIED AS THE LESSEE IN  
19 A WRITTEN LEASE IN EFFECT FOR AN AFFECTED PROPERTY OR, IF THERE IS NO  
20 WRITTEN LEASE, THE PARTY OR PARTIES TO WHOM THE PROPERTY WAS  
21 RENTED.

22 (E) A PERSON WHO HAS ACQUIRED, OR WILL ACQUIRE, AN AFFECTED  
23 PROPERTY SHALL GIVE THE PACKET REQUIRED UNDER THIS SECTION TO THE  
24 TENANT OF THE AFFECTED PROPERTY:

25 (1) BEFORE TRANSFER OF LEGAL TITLE; OR

26 (2) WITHIN 15 DAYS FOLLOWING TRANSFER OF LEGAL TITLE.

27 **6-824.**

28 AN OWNER SHALL DISCLOSE AN OBLIGATION TO PERFORM EITHER THE  
29 MODIFIED OR FULL RISK REDUCTION TREATMENT TO AN AFFECTED PROPERTY  
30 UNDER THIS SUBTITLE TO ANY PROSPECTIVE PURCHASER OF AN AFFECTED  
31 PROPERTY AT OR PRIOR TO THE TIME A CONTRACT OF SALE IS EXECUTED, IF:

1           **(1) AN EVENT HAS OCCURRED THAT REQUIRES PERFORMANCE**  
2 **OF EITHER THE MODIFIED OR FULL RISK REDUCTION TREATMENT TO THE**  
3 **AFFECTED PROPERTY UNDER THIS SUBTITLE; AND**

4           **(2) THE OWNER WILL NOT PERFORM THE REQUIRED TREATMENT**  
5 **PRIOR TO THE TRANSFER OF OWNERSHIP.**

6 **6-825.**

7           **(A) A PERSON WHO INTENDS TO ACQUIRE, THROUGH AN ARM'S LENGTH**  
8 **TRANSACTION, INHERITANCE, TAX SALE, FORECLOSURE, OR JUDICIALLY**  
9 **APPROVED TRANSFER, AN OCCUPIED AFFECTED PROPERTY THAT IS IN**  
10 **VIOLATION OF § 6-815, § 6-817, OR § 6-819 OF THIS SUBTITLE MAY SUBMIT TO**  
11 **THE DEPARTMENT AN APPLICATION FOR A COMPLIANCE PLAN.**

12           **(B) (1) THE APPLICATION FOR A COMPLIANCE PLAN SHALL:**

13                   **(i) BE SUBMITTED AND RECEIVED BY THE DEPARTMENT**  
14 **AT LEAST 30 DAYS BEFORE TRANSFER OF LEGAL TITLE TO THE OCCUPIED**  
15 **AFFECTED PROPERTY; AND**

16                   **(ii) BE ON A FORM PROVIDED BY THE DEPARTMENT THAT**  
17 **INCLUDES, FOR EACH OCCUPIED AFFECTED PROPERTY, THE FOLLOWING**  
18 **INFORMATION:**

19                           **1. THE TRANSFEREE'S NAME, ADDRESS, AND**  
20 **TELEPHONE NUMBER;**

21                           **2. THE TRANSFEROR'S NAME AND ADDRESS;**

22                           **3. A STATEMENT CERTIFYING THAT NEITHER THE**  
23 **TRANSFEREE NOR ANY OFFICER OR DIRECTOR OF THE TRANSFEREE HAS A**  
24 **CURRENT INTEREST, EITHER INDIVIDUALLY OR JOINTLY, IN THE OCCUPIED**  
25 **AFFECTED PROPERTY;**

26                           **4. THE TYPE AND SCHEDULED DATE OF TRANSFER;**

27                           **5. THE ADDRESS OF THE OCCUPIED AFFECTED**  
28 **PROPERTY INCLUDING, FOR A MULTIFAMILY-OCCUPIED AFFECTED PROPERTY,**  
29 **EACH UNIT IN THE PROPERTY; AND**

30                           **6. WHETHER A PERSON AT RISK RESIDES IN THE**  
31 **OCCUPIED AFFECTED PROPERTY.**

1           **(2) THE DEPARTMENT MAY REQUIRE ANY ADDITIONAL**  
2 **INFORMATION THAT IT CONSIDERS APPROPRIATE.**

3           **(3) AN APPLICATION FEE OF \$200 FOR EACH OCCUPIED**  
4 **AFFECTED PROPERTY AND EACH OCCUPIED UNIT IN A MULTIFAMILY AFFECTED**  
5 **PROPERTY, NOT TO EXCEED \$10,000, SHALL BE SUBMITTED TO THE**  
6 **DEPARTMENT WITH THE APPLICATION.**

7           **(C) (1) WITHIN 20 DAYS OF RECEIPT OF THE APPLICATION FOR A**  
8 **COMPLIANCE PLAN, THE DEPARTMENT SHALL:**

9                   **(I) APPROVE THE COMPLIANCE PLAN, IN WHOLE OR IN**  
10 **PART;**

11                   **(II) DENY THE COMPLIANCE PLAN, IN WHOLE OR IN PART;**  
12 **OR**

13                   **(III) REQUEST ADDITIONAL INFORMATION.**

14           **(2) THE DEPARTMENT MAY DENY AN APPLICATION FOR A**  
15 **COMPLIANCE PLAN FOR AN OCCUPIED AFFECTED PROPERTY BASED ON THE**  
16 **FOLLOWING FACTORS:**

17                   **(I) FAILURE TO SUBMIT OR TIMELY SUBMIT A COMPLETE**  
18 **APPLICATION;**

19                   **(II) FAILURE TO SUBMIT OR TIMELY SUBMIT INFORMATION**  
20 **REQUESTED BY THE DEPARTMENT;**

21                   **(III) THE EXISTENCE OF PRIOR VIOLATIONS BY THE**  
22 **TRANSFeree OF THE PROVISIONS OF THIS SUBTITLE OR APPLICABLE**  
23 **REGULATIONS;**

24                   **(IV) PRIOR EXTENSION OF THE COMPLIANCE DEADLINE**  
25 **UNDER SUBSECTION (D) OF THIS SECTION FOR AN AFFECTED PROPERTY;**

26                   **(V) POTENTIAL OR ACTUAL HARM TO THE ENVIRONMENT**  
27 **OR TO HUMAN HEALTH OR SAFETY; AND**

28                   **(VI) ANY OTHER FACTOR THE DEPARTMENT CONSIDERS**  
29 **APPROPRIATE.**

30           **(D) (1) THIS SUBSECTION APPLIES TO AN OCCUPIED AFFECTED**  
31 **PROPERTY IN WHICH A PERSON AT RISK DOES NOT RESIDE.**

1           **(2) SUBJECT TO SUBSECTION (E) OF THIS SECTION, IF AN**  
2 **APPLICATION FOR A COMPLIANCE PLAN IS APPROVED, THE TRANSFEREE SHALL**  
3 **FILE WITH THE DEPARTMENT AN INSPECTION REPORT AS PROOF THAT THE**  
4 **RISK REDUCTION STANDARD SPECIFIED IN § 6-815 OF THIS SUBTITLE HAS BEEN**  
5 **SATISFIED, OR AN INSPECTION REPORT IN ACCORDANCE WITH § 6-804 OF THIS**  
6 **SUBTITLE, FOR EACH OCCUPIED AFFECTED PROPERTY THAT HAS NOT**  
7 **SATISFIED THE REQUIREMENTS OF § 6-815, § 6-817, OR § 6-819 OF THIS**  
8 **SUBTITLE WITHIN THE FOLLOWING TIME FRAMES:**

9           **(I) WITHIN 30 DAYS AFTER TRANSFER OF LEGAL TITLE FOR**  
10 **A TRANSFEREE ACQUIRING ONE OCCUPIED AFFECTED PROPERTY;**

11           **(II) WITHIN 90 DAYS AFTER THE TRANSFER OF LEGAL TITLE**  
12 **FOR A TRANSFEREE ACQUIRING TWO TO FIVE OCCUPIED AFFECTED**  
13 **PROPERTIES;**

14           **(III) WITHIN 135 DAYS AFTER THE TRANSFER OF LEGAL**  
15 **TITLE FOR A TRANSFEREE ACQUIRING 6 TO 10 OCCUPIED AFFECTED**  
16 **PROPERTIES; OR**

17           **(IV) WITHIN 180 DAYS AFTER THE TRANSFER OF LEGAL**  
18 **TITLE FOR A TRANSFEREE ACQUIRING MORE THAN 10 OCCUPIED AFFECTED**  
19 **PROPERTIES.**

20           **(E) (1) THIS SUBSECTION APPLIES TO AN OCCUPIED AFFECTED**  
21 **PROPERTY IN WHICH A PERSON AT RISK RESIDES.**

22           **(2) NOTWITHSTANDING THE STATUS OF AN APPLICATION FOR A**  
23 **COMPLIANCE PLAN, THE TRANSFEREE SHALL FILE WITH THE DEPARTMENT AN**  
24 **INSPECTION REPORT AS PROOF THAT THE RISK REDUCTION STANDARD**  
25 **SPECIFIED IN § 6-815 OF THIS SUBTITLE HAS BEEN SATISFIED, OR AN**  
26 **INSPECTION REPORT IN ACCORDANCE WITH § 6-804 OF THIS SUBTITLE, FOR**  
27 **EACH OCCUPIED AFFECTED PROPERTY THAT HAS NOT SATISFIED THE**  
28 **REQUIREMENTS OF § 6-815, § 6-817, OR § 6-819 OF THIS SUBTITLE WITHIN 30**  
29 **DAYS AFTER TRANSFER OF LEGAL TITLE.**

30           **(F) A COMPLIANCE PLAN FOR AN OCCUPIED AFFECTED PROPERTY**  
31 **UNDER THIS SECTION IS VOID UNLESS, WITHIN 15 DAYS FOLLOWING TRANSFER**  
32 **OF THE OCCUPIED AFFECTED PROPERTY SUBJECT TO THE COMPLIANCE PLAN,**  
33 **THE TRANSFEREE FILES WITH THE DEPARTMENT:**

34           **(1) DOCUMENTATION SATISFACTORY TO THE DEPARTMENT OF**  
35 **THE TRANSFER OF LEGAL TITLE;**

1           **(2) A STATEMENT CERTIFYING THAT, PRIOR TO OR WITHIN 15**  
2 **DAYS OF TRANSFER OF LEGAL TITLE, THE TRANSFEREE PROVIDED THE**  
3 **TENANTS OF THE OCCUPIED PROPERTIES WITH THE NOTICE OF THE TENANT'S**  
4 **RIGHTS AND LEAD POISONING INFORMATION PACKET REQUIRED BY §§ 6-820**  
5 **AND 6-823 OF THIS SUBTITLE; AND**

6           **(3) A STATEMENT CERTIFYING THAT WITHIN 15 DAYS OF**  
7 **TRANSFER OF LEGAL TITLE, THE TRANSFEREE REGISTERED THE OCCUPIED**  
8 **AFFECTED PROPERTIES WITH THE DEPARTMENT IN ACCORDANCE WITH §§**  
9 **6-811 AND 6-812 OF THIS SUBTITLE.**

10           **(G) IF THE DEPARTMENT DETERMINES THAT ANY INFORMATION**  
11 **PROVIDED IN AN APPLICATION FOR A COMPLIANCE PLAN OR REQUIRED IN**  
12 **SUBSECTION (F) OF THIS SECTION WAS ERRONEOUS OR INCOMPLETE, THE**  
13 **DEPARTMENT MAY DECLARE THE COMPLIANCE PLAN VOID IN WHOLE OR IN**  
14 **PART.**

15           **(H) THIS SECTION DOES NOT AFFECT AN OWNER'S OBLIGATION TO**  
16 **COMPLY WITH §§ 6-815 AND 6-819(C) AND (D) OF THIS SUBTITLE THAT ARISES**  
17 **AFTER LEGAL TITLE TO THE AFFECTED PROPERTY IS TRANSFERRED.**

18           **(I) SUBJECT TO SUBSECTIONS (H) AND (J) OF THIS SECTION, IF THE**  
19 **DEPARTMENT APPROVES A COMPLIANCE PLAN, AN AFFECTED PROPERTY**  
20 **SUBJECT TO THE COMPLIANCE PLAN SHALL BE CONSIDERED IN COMPLIANCE**  
21 **WITH §§ 6-815, 6-817, AND 6-819 OF THIS SUBTITLE AS OF THE DAY OF THE**  
22 **DATE OF TRANSFER.**

23           **(J) IF THE PERSON WHO ACQUIRED AN OCCUPIED AFFECTED**  
24 **PROPERTY THAT DOES NOT SATISFY THE REQUIREMENTS OF § 6-815, § 6-817,**  
25 **OR § 6-819 OF THIS SUBTITLE FAILS TO COMPLY WITH THE TERMS OF AN**  
26 **APPROVED COMPLIANCE PLAN, THE AFFECTED PROPERTY SHALL BE**  
27 **CONSIDERED TO BE NONCOMPLIANT WITH § 6-815 OF THIS SUBTITLE FROM THE**  
28 **DATE LEGAL TITLE TO THE AFFECTED PROPERTY WAS TRANSFERRED TO THE**  
29 **PERSON.**

30           **(K) THE DEPARTMENT MAY ADOPT REGULATIONS TO CARRY OUT THIS**  
31 **SECTION.**

32   **PART V. RESERVED.**

33           **6-826. THROUGH 6-842. RESERVED.**

34   **PART VI. LEAD POISONING PREVENTION FUND.**

1 **6-843.**

2 (A) (1) EXCEPT AS PROVIDED IN THIS SUBSECTION AND SUBSECTION  
3 (B) OF THIS SECTION, AND IN COOPERATION WITH THE DEPARTMENT OF  
4 HOUSING AND COMMUNITY DEVELOPMENT, THE STATE DEPARTMENT OF  
5 ASSESSMENTS AND TAXATION, AND OTHER APPROPRIATE GOVERNMENTAL  
6 UNITS, THE DEPARTMENT SHALL PROVIDE FOR THE COLLECTION OF AN  
7 ANNUAL FEE FOR EVERY RENTAL DWELLING UNIT IN THE STATE.

8 (2) THE ANNUAL FEE FOR AN AFFECTED PROPERTY IS \$15.

9 (3) AN OWNER OF A RENTAL DWELLING UNIT WHO SUBMITS A  
10 REPORT TO THE DEPARTMENT THAT THE RENTAL DWELLING UNIT IS  
11 LEAD-FREE IN ACCORDANCE WITH § 6-804 OF THIS SUBTITLE SHALL INCLUDE A  
12 \$10 PROCESSING FEE WITH THE REPORT.

13 (B) THE FEES IMPOSED UNDER THIS SECTION DO NOT APPLY TO ANY  
14 RENTAL DWELLING UNIT OWNED AND OPERATED BY A UNIT OF FEDERAL,  
15 STATE, OR LOCAL GOVERNMENT, OR ANY PUBLIC, QUASI-PUBLIC, OR  
16 MUNICIPAL CORPORATION.

17 (C) THE FEE IMPOSED UNDER THIS SECTION SHALL BE PAID ON OR  
18 BEFORE DECEMBER 31, 2010, OR THE DATE OF REGISTRATION OF THE  
19 AFFECTED PROPERTY UNDER PART III OF THIS SUBTITLE AND ON OR BEFORE  
20 DECEMBER 31 OF EACH YEAR THEREAFTER.

21 (D) AN OWNER WHO FAILS TO PAY THE FEE IMPOSED UNDER THIS  
22 SECTION IS LIABLE FOR A CIVIL PENALTY OF UP TO TRIPLE THE AMOUNT OF  
23 EACH REGISTRATION FEE UNPAID THAT, TOGETHER WITH ALL COSTS OF  
24 COLLECTION, INCLUDING REASONABLE ATTORNEY'S FEES, SHALL BE  
25 COLLECTED IN A CIVIL ACTION IN ANY COURT OF COMPETENT JURISDICTION.

26 **6-844.**

27 (A) THERE IS A LEAD POISONING PREVENTION FUND IN THE  
28 DEPARTMENT.

29 (B) THE FUND CONSISTS OF:

30 (1) ALL FEES COLLECTED AND PENALTIES IMPOSED UNDER THIS  
31 SUBTITLE; AND

1           **(2) MONEY RECEIVED BY GRANT, DONATION, APPROPRIATION,**  
2 **OR FROM ANY OTHER SOURCE.**

3           **(C) THE DEPARTMENT SHALL USE THE FUND TO COVER THE COSTS OF**  
4 **FULFILLING THE DUTIES AND RESPONSIBILITIES OF THE DEPARTMENT AND**  
5 **THE COMMISSION UNDER THIS SUBTITLE, AND FOR PROGRAM DEVELOPMENT**  
6 **OF THESE ACTIVITIES.**

7           **(D) (1) THE FUND IS A CONTINUING, NONLAPSING SPECIAL FUND,**  
8 **AND IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT**  
9 **ARTICLE.**

10           **(2) THE STATE TREASURER SHALL HOLD AND THE**  
11 **COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

12           **(3) THE FUND SHALL BE INVESTED AND REINVESTED AND ANY**  
13 **INVESTMENT EARNINGS SHALL BE PAID INTO THE FUND.**

14           **(E) FOR EACH FISCAL YEAR, AT LEAST \$750,000 OF THE MONEY IN THE**  
15 **FUND SHALL BE USED ONLY FOR ANY OF THE FOLLOWING PURPOSES:**

16                   **(1) COMMUNITY OUTREACH AND EDUCATION PROGRAMS UNDER**  
17 **§ 6-848 OF THIS SUBTITLE; AND**

18                   **(2) ENFORCEMENT EFFORTS UNDER THIS SUBTITLE.**

19 **6-845.**

20           **(A) THE DEPARTMENT SHALL ESTABLISH AND MAINTAIN A STATEWIDE**  
21 **DATABASE THAT TRACKS THE STATUS OF AFFECTED PROPERTY.**

22           **(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**  
23 **SUBSECTION, THE DEPARTMENT MAY, BY REGULATION, REQUIRE OWNERS OF**  
24 **AFFECTED PROPERTY TO PROVIDE INFORMATION THAT THE DEPARTMENT**  
25 **CONSIDERS NECESSARY FOR THE DATABASE.**

26                   **(2) THE DEPARTMENT MAY NOT REQUIRE THE OWNER TO**  
27 **PROVIDE:**

28                           **(I) INFORMATION MORE FREQUENTLY THAN ANNUALLY;**

29                           **(II) THE IDENTITIES OF PERSONS OR ENTITIES HAVING AN**  
30 **OWNERSHIP INTEREST IN AN OWNER OF AN AFFECTED PROPERTY WHO ARE NOT**  
31 **OTHERWISE OWNERS OF THE AFFECTED PROPERTY; AND**

1                   (III) ANY FINANCIAL INFORMATION REGARDING AN  
2 AFFECTED PROPERTY OR THE OWNER OF AN AFFECTED PROPERTY, OTHER  
3 THAN DATA ON ANY COSTS THAT AN OWNER HAS INCURRED WITH RESPECT TO  
4 AN AFFECTED PROPERTY IN ORDER TO COMPLY WITH PART IV OF THIS  
5 SUBTITLE.

6           (C) THE DATABASE SHALL BE USED TO IMPLEMENT THE PROVISIONS OF  
7 THIS SUBTITLE.

8           (D) (1) AN OWNER WHO USES A STANDARD LEASE FORM MAY ONLY BE  
9 REQUIRED TO SUBMIT ONE COPY OF THAT FORM AND ANY ALTERATIONS TO, OR  
10 VARIATIONS FROM, THAT FORM.

11           (2) THE DEPARTMENT MAY, BY REGULATION, DESIGNATE OR  
12 DEFINE MINOR ALTERATIONS AND VARIATIONS TO STANDARD LEASE FORMS  
13 THAT DO NOT REQUIRE SEPARATE SUBMITTAL.

14           (E) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPH (2) OF THIS  
15 SUBSECTION, THE INFORMATION PROVIDED BY THE OWNER UNDER THIS  
16 SECTION SHALL BE OPEN TO THE PUBLIC.

17           (2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS  
18 PARAGRAPH, THE DEPARTMENT MAY NOT DISCLOSE:

19                               1. AN INVENTORY OR LIST OF PROPERTIES OWNED  
20 BY AN OWNER; OR

21                               2. THE COSTS THAT AN OWNER HAS INCURRED WITH  
22 RESPECT TO AN AFFECTED PROPERTY IN ORDER TO COMPLY WITH PART IV OF  
23 THIS SUBTITLE, IF THE INFORMATION IS IDENTIFIED TO:

24                                       A. A SPECIFIC OWNER; OR

25                                       B. A SPECIFIC AFFECTED PROPERTY OR GROUP OF  
26 AFFECTED PROPERTIES OWNED BY THE SAME OWNER.

27           (II) THE DEPARTMENT SHALL, UPON REQUEST, DISCLOSE  
28 WHETHER THE OWNER HAS MET THE PERCENTAGE OF INVENTORY  
29 REQUIREMENTS UNDER § 6-817 OF THIS SUBTITLE.

30                                       PART VII. MISCELLANEOUS.

31                                       6-846.



1           **(A) A LOCAL HEALTH DEPARTMENT THAT RECEIVES THE RESULTS OF A**  
2 **BLOOD LEAD TEST UNDER § 6-303 OF THIS TITLE INDICATING THAT A PERSON**  
3 **AT RISK HAS AN EBL GREATER THAN OR EQUAL TO 10 UG/DL SHALL NOTIFY:**

4                   **(1) THE PERSON AT RISK OR, IN THE CASE OF A MINOR, THE**  
5 **PARENT OF THE PERSON AT RISK OF THE RESULTS OF THE TEST; AND**

6                   **(2) THE OWNER OF THE AFFECTED PROPERTY IN WHICH THE**  
7 **PERSON AT RISK RESIDES OR REGULARLY SPENDS AT LEAST 24 HOURS PER**  
8 **WEEK OF THE RESULTS OF THE TEST.**

9           **(B) THE NOTICES TO BE PROVIDED TO THE PARENT OR OWNER UNDER**  
10 **SUBSECTION (A) OF THIS SECTION SHALL BE ON THE FORMS PREPARED BY THE**  
11 **DEPARTMENT AND SHALL CONTAIN ANY INFORMATION REQUIRED BY THE**  
12 **DEPARTMENT.**

13 **6-847.**

14           **(A) (1) AN OWNER WHO RECEIVES THE BLOOD LEAD TEST RESULTS**  
15 **OF A PERSON AT RISK UNDER THIS SUBTITLE MAY NOT DISCLOSE THOSE**  
16 **RESULTS TO ANOTHER PERSON EXCEPT:**

17                   **(I) THE INSURER OF THE OWNER;**

18                   **(II) A MEDICAL DOCTOR OR OTHER HEALTH PROFESSIONAL**  
19 **WITH WHOM THE OWNER CONSULTS; OR**

20                   **(III) AN ATTORNEY OF THE OWNER OR ANY PERSON**  
21 **SPECIFIED IN ITEM (I) OR (II) OF THIS PARAGRAPH.**

22                   **(2) A PERSON WHO RECEIVES BLOOD LEAD TEST RESULTS FROM**  
23 **AN OWNER UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT DISCLOSE**  
24 **THOSE RESULTS TO ANY PERSON NOT SPECIFIED IN PARAGRAPH (1) OF THIS**  
25 **SUBSECTION.**

26           **(B) A PERSON WHO IN GOOD FAITH DISCLOSES OR DOES NOT DISCLOSE**  
27 **THE RESULTS OF A BLOOD LEAD TEST TO AN OWNER UNDER THIS PART IS NOT**  
28 **LIABLE UNDER ANY CAUSE OF ACTION ARISING FROM THE DISCLOSURE OR**  
29 **NONDISCLOSURE OF THE TEST RESULTS.**

30           **(C) A PERSON WHO VIOLATES THE PROVISIONS OF THIS SECTION IS**  
31 **SUBJECT TO THE PENALTIES PROVIDED IN § 4-309 OF THE HEALTH - GENERAL**  
32 **ARTICLE.**

1 **6-848.**

2 **THE DEPARTMENT SHALL:**

3 **(1) DEVELOP AND ESTABLISH COMMUNITY OUTREACH**  
4 **PROGRAMS TO HIGH LEAD RISK AREAS, WHICH MAY BE IMPLEMENTED BY THE**  
5 **DEPARTMENT, LOCAL GOVERNMENTS, OR COMMUNITY GROUPS; AND**

6 **(2) ASSIST LOCAL GOVERNMENTS TO PROVIDE CASE**  
7 **MANAGEMENT SERVICES IF NECESSARY TO PERSONS AT RISK WITH ELEVATED**  
8 **BLOOD LEAD.**

9 **6-848.1.**

10 **(A) IN THIS SECTION, "RETAILER" MEANS ANY PERSON WHO SELLS**  
11 **PAINT OR PAINT SUPPLIES TO A CONSUMER.**

12 **(B) A RETAILER SHALL DISPLAY A POSTER DEVELOPED AND PROVIDED**  
13 **BY THE DEPARTMENT UNDER SUBSECTION (C) OF THIS SECTION:**

14 **(1) WITHIN AN AREA IN WHICH PAINT OR PAINT SUPPLIES ARE**  
15 **SOLD OR DISPLAYED; OR**

16 **(2) AT EACH REGISTER OR CHECK-OUT AISLE.**

17 **(C) THE DEPARTMENT SHALL DEVELOP AND PROVIDE A POSTER TO**  
18 **RETAILERS THAT INCLUDES THE FOLLOWING INFORMATION:**

19 **(1) THE DANGERS AND HAZARDS OF LEAD POISONING; AND**

20 **(2) A PHONE NUMBER THAT CONSUMERS CAN CALL FOR**  
21 **ASSISTANCE IN LEAD RISK REDUCTION AND SAFE RENOVATION PRACTICES.**

22 **6-848.2.**

23 **A LOCAL GOVERNMENT AGENCY SHALL REPORT TO THE DEPARTMENT**  
24 **ANY KNOWN NONCOMPLIANCE OF AN AFFECTED PROPERTY WITH THIS**  
25 **SUBTITLE.**

26 **PART VIII. ENFORCEMENT.**

27 **6-849.**

1           **(A) THE DEPARTMENT SHALL IMPOSE AN ADMINISTRATIVE PENALTY**  
2 **ON AN OWNER WHO FAILS TO REGISTER AN AFFECTED PROPERTY WITHIN THE**  
3 **TIME PERIOD SPECIFIED IN § 6-811(A) OR § 6-812(B) OF THIS SUBTITLE OR**  
4 **FAILS TO RENEW OR UPDATE A REGISTRATION AS PROVIDED UNDER § 6-812(A)**  
5 **OF THIS SUBTITLE. THE ADMINISTRATIVE PENALTY IMPOSED SHALL BE UP TO**  
6 **\$20 PER DAY, CALCULATED FROM THE DATE COMPLIANCE IS REQUIRED, FOR**  
7 **EACH AFFECTED PROPERTY THAT IS NOT REGISTERED OR FOR WHICH**  
8 **REGISTRATION IS NOT RENEWED OR UPDATED.**

9           **(B) THE DEPARTMENT SHALL IMPOSE AN ADMINISTRATIVE PENALTY,**  
10 **NOT TO EXCEED \$50,000, ON ANY PERSON WHO VIOLATES § 6-818(A)(1)(II) OR**  
11 **(2) OF THIS SUBTITLE.**

12           **(C) THE PENALTY SHALL BE ASSESSED WITH CONSIDERATION GIVEN**  
13 **TO:**

14                   **(1) THE WILLFULNESS OF THE VIOLATION, THE EXTENT TO**  
15 **WHICH THE EXISTENCE OF THE VIOLATION WAS KNOWN TO THE VIOLATOR BUT**  
16 **UNCORRECTED BY THE VIOLATOR, AND THE EXTENT TO WHICH THE VIOLATOR**  
17 **EXERCISED REASONABLE CARE;**

18                   **(2) THE EXTENT TO WHICH THE VIOLATION RESULTED IN ACTUAL**  
19 **HARM TO THE ENVIRONMENT OR TO HUMAN HEALTH OR SAFETY;**

20                   **(3) THE NATURE AND DEGREE OF INJURY TO OR INTERFERENCE**  
21 **WITH GENERAL WELFARE, HEALTH, AND PROPERTY;**

22                   **(4) THE EXTENT TO WHICH THE CURRENT VIOLATION IS PART OF**  
23 **A RECURRENT PATTERN OF THE SAME OR SIMILAR TYPE OF VIOLATION**  
24 **COMMITTED BY THE VIOLATOR; AND**

25                   **(5) THE EXTENT TO WHICH THE VIOLATION CREATES THE**  
26 **POTENTIAL FOR HARM TO THE ENVIRONMENT OR TO HUMAN HEALTH OR**  
27 **SAFETY.**

28 **6-850.**

29           **(A) EXCEPT AS PROVIDED IN § 6-849 OF THIS SUBTITLE, IN ADDITION**  
30 **TO ANY OTHER REMEDIES PROVIDED IN THIS SUBTITLE, THE PROVISIONS AND**  
31 **PROCEDURES OF §§ 7-256 THROUGH 7-264 AND 7-266(B) OF THIS ARTICLE**  
32 **SHALL BE USED AND SHALL APPLY TO ENFORCE VIOLATIONS OF THIS SUBTITLE,**  
33 **PROVIDED THAT THE PENALTY IMPOSED UNDER § 7-266(B)(2)(I) OF THIS**  
34 **ARTICLE MAY NOT EXCEED \$500 PER DAY FOR ANY VIOLATION OF THIS**  
35 **SUBTITLE.**

1           **(B) IF AN ACCREDITED SUPERVISOR FALSELY VERIFIES THAT WORK**  
2 **WAS PERFORMED ON AN AFFECTED PROPERTY PURSUANT TO § 6-819(F) OF**  
3 **THIS SUBTITLE, THE OWNER OF THE AFFECTED PROPERTY WHO EMPLOYS THE**  
4 **SUPERVISOR AND WHO HAS ACTUAL KNOWLEDGE OF THE FALSE VERIFICATION**  
5 **SHALL BE SUBJECT TO A CIVIL PENALTY NOT TO EXCEED \$30,000.**

6 **6-851.**

7           **(A) THE DEPARTMENT MAY AUDIT, THROUGH A SPOT CHECK OR OTHER**  
8 **INVESTIGATION, THE VERIFICATION OF WORK PERFORMED PURSUANT TO §**  
9 **6-819(F) OF THIS SUBTITLE.**

10           **(B) IF THE DEPARTMENT, THROUGH AUDITS CONDUCTED WITHIN 30**  
11 **DAYS OF RECEIPT OF VERIFICATION OF WORK PERFORMED PURSUANT TO §**  
12 **6-819(F) OF THIS SUBTITLE, FINDS THAT THE CONDITION OF THE AFFECTED**  
13 **PROPERTY DOES NOT COMPORT WITH THE WORK THAT WAS VERIFIED BY THE**  
14 **SAME CONTRACTOR OR SUPERVISOR, AN OWNER OF A PROPERTY FOR WHICH**  
15 **WORK WAS VERIFIED BY THAT CONTRACTOR OR SUPERVISOR WITHIN THE**  
16 **PREVIOUS YEAR SHALL BE REQUIRED TO HAVE THAT PROPERTY INSPECTED**  
17 **AND TREATED AS NECESSARY TO SATISFY THE MODIFIED RISK REDUCTION**  
18 **STANDARD UNDER § 6-819 OF THIS SUBTITLE.**

19 **6-852.**

20           **(A) THE DEPARTMENT MAY, AT ANY TIME, SPOT CHECK AFFECTED**  
21 **PROPERTIES THAT HAVE BEEN REPORTED AS SATISFYING THE RISK REDUCTION**  
22 **STANDARD OR VERIFIED AS SATISFYING THE MODIFIED RISK REDUCTION**  
23 **STANDARD.**

24           **(B) IF A SPOT CHECK PURSUANT TO SUBSECTION (A) OF THIS SECTION**  
25 **REVEALS THAT AN AFFECTED PROPERTY THAT HAS BEEN REPORTED AS**  
26 **SATISFYING THE RISK REDUCTION STANDARD UNDER § 6-815 OF THIS SUBTITLE**  
27 **DOES NOT SATISFY THAT STANDARD, THE DEPARTMENT MAY ORDER THAT THE**  
28 **OWNER OF THE PROPERTY SATISFY THE RISK REDUCTION STANDARD, AS**  
29 **VERIFIED BY AN INSPECTION CONDUCTED WITHIN 30 DAYS OF RECEIPT OF THE**  
30 **ORDER.**

31           **(C) IF A SPOT CHECK PURSUANT TO SUBSECTION (A) OF THIS SECTION**  
32 **REVEALS THAT AN AFFECTED PROPERTY THAT HAS BEEN VERIFIED AS**  
33 **SATISFYING THE MODIFIED RISK REDUCTION STANDARD UNDER § 6-819 OF**  
34 **THIS SUBTITLE, BUT HAS NOT BEEN REPORTED AS SATISFYING THE RISK**  
35 **REDUCTION STANDARD UNDER § 6-815 OF THIS SUBTITLE, DOES NOT SATISFY**  
36 **THE MODIFIED RISK REDUCTION STANDARD, THE DEPARTMENT MAY ORDER**

1 THE OWNER OF THE PROPERTY TO SATISFY THE MODIFIED RISK REDUCTION  
2 STANDARD, AS VERIFIED BY AN INSPECTION CONDUCTED WITHIN 30 DAYS OF  
3 RECEIPT OF THE ORDER.

4 **6-853.**

5 THE DEPARTMENT MAY ADOPT REGULATIONS NECESSARY FOR  
6 IMPLEMENTATION OF THIS SUBTITLE.

7 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency  
8 measure, is necessary for the immediate preservation of the public health or safety,  
9 has been passed by a ye and nay vote supported by three-fifths of all the members  
10 elected to each of the two Houses of the General Assembly, and shall take effect from  
11 the date it is enacted, contingent on a ruling by the Court of Appeals of Maryland in  
12 Zi'Tashia Jackson, a minor, et al. v. The Dackman Company, et al., (No. 131)  
13 September Term, 2008, that any provision or provisions of Title 6, Subtitle 8  
14 (Reduction of Lead Risk in Housing) of the Environment Article, Annotated Code of  
15 Maryland, are unconstitutional and the unconstitutional provisions are not severable.  
16 If the Court of Appeals of Maryland rules that all provisions of Title 6, Subtitle 8 of the  
17 Environment Article are constitutional or that all unconstitutional provisions are  
18 severable, this Act shall be null and void without the necessity of further action by the  
19 General Assembly.